

REMARKS

Claims 1-23 are pending in the application. Claims 1, 4, 9, 12, 17 and 18 have been amended. New claims 19-23 have been added. Applicants request reconsideration of the present application in view of the foregoing amendments and the following remarks. A Request for Continued Examination (RCE) is being concurrently submitted.

May 26, 2004 Interview

Initially, appreciation is expressed to Examiner Hamdan for the courtesies extended to the undersigned during the personal interview on May 26, 2004. The suggestions provided by the Examiner during the interview are much appreciated. As noted in the Interview Summary Sheet, a number of approaches for overcoming the rejections based on the Axelrod et al. patent (U.S. Patent No. 4,800,505) were discussed, including positively reciting structure associated with the processing device, positively reciting differences between the rough print file and the processed print file, and positively reciting differences and specifics about the representation and processing codes. As discussed further below, amendments to independent claims 1, 9, 17 and 18, and new claims 19-22, reflect these approaches.

In addition, the Examiner suggested that a claim along the lines of claim 1 written in means-plus-function format would be distinguishable over the Axelrod et al. patent. Accordingly, new claim 23 has been added which recites subject matter in means-plus-function format.

Thus, in view of the Examiner's helpful suggestions and Applicant's desire to expedite prosecution as reflected in this Amendment, reconsideration and allowance of the present application are respectfully requested, as discussed further below.

Drawing Objections

In response to the drawing objection set forth at page 2 of the Official Action, Figures 1 and 2 have been amended to include appropriate text in boxes 1, 3, 4, 20 and 37. The Examiner's diligence in this regard is appreciated. Withdrawal of the objection is respectfully requested.

Art Rejections

The Office Action sets forth a rejection of claims 1-4 and 17 under 35 U.S.C. § 102(b) on the basis of the disclosure contained in the Axelrod et al patent (U.S. Patent No. 4,800,505).

During the interview, the undersigned and the Examiner discussed features of the system claimed in claim 1 and features of the Axelrod et al. mail preparation system. As discussed during the interview, and as summarized below, Axelrod et al. does not disclose a system having all of the features of claim 1.

Claim 1 is directed to a system for generating printed mail pieces, starting from a print file. The system includes a printer for printing postal items, a processing device for processing printed postal items into mail pieces, and a control unit for controlling the printer and the processing device. The processing devices comprises at least one mechanical device for mechanically acting upon the printed postal items. The control unit includes: an input interface for inputting a rough print file for

controlling the printer, wherein the rough print file at least partly defines at least one document to be printed; a processor for processing the rough print file in accordance with processing instructions into a processed print file, the processed print file comprising instructions for controlling the printer and the processing device; an output interface connected with the printer and with the processing device for transmitting control signals to at least the printer or the processing device for controlling the printer and the processing device in accordance with, or formed by, said processed print file; and memory. The memory contains processing code and representation code. The processing code controls the control unit for processing the rough print file into the processed print file, which processing code comprises processing instructions. The representation code causes the processing instructions to be represented in humanly interpretable form, the representation code being editable by an operator of said system for changing at least said representations of said processing instructions. The representation code is convertible into an accordingly changed version of said processing code.

The Axelrod et al. patent provides a modification of a mail preparation system intended to address a difficulty encountered in previous systems which use dash codes for controlling a document inserter. Because the dash codes are limited in size, and because information included in dash codes can become very large if the instructions are complex, the data processing system in Axelrod et al. strips the dash code from the print data and replaces it with an identification code printed on the document. The identification code corresponds to a record generated by the data processing system and stored in a database. The record can include information such as the address to be printed on the envelope, the dash code information for

controlling the inserter, additional codes for business return envelopes, as well as the identification code itself. See column 3, lines 8-21 and column 4, lines 5-22, and Figure 3. After the documents are printed and weighed, a scanner 52 reads the identification code information on the printout and transmits it to a computer system 60. The computer system 60 accesses the associated record stored in the database 64 and generates control signals for the inserter 80. As discussed at column 6, lines 37 - 68, the Axelrod et al. processor 62 also controls the print mechanism 86 to print machine readable code classification pointer code on an insert and controls the envelope printer 90 to print zip code information in bar code format on the item to be mailed.

The Axelrod et al. patent does not disclose a control unit having a memory which has processing code and representation code as set forth in claim 1. The Office Action at page 9 points to the Axelrod et al. processor 62 and data processing system 10 as allegedly corresponding to the claimed control unit. In addition, the Office Action at page 9 suggests that the Axelrod et al. identification code corresponds to the claimed processing code, because the cited section (col. 5, lines 53-55) refers to the Axelrod et al. identification code. Further, the Office Action at page 9 appears to suggest that either the dash code or the zip code information (in bar code form) allegedly corresponds to the claimed representation code, because the cited section (col. 6, lines 37-68) refers to both of these. However, the Office Action at page 10 (first full paragraph) suggests that the Axelrod et al. dash code allegedly corresponds to the claimed representation code, because the claimed representation code is recited as being editable, and the Office Action at page 10 states that the "code is editable" when referring to Axelrod's removal of the dash

code information, as described at col. 2, lines 12-16 therein. The Office Action later states (paragraph bridging pages 11 and 12) any code on any processor is inherently editable, but cites col. 3, lines 15-18, which again refers to removing dash code information and substituting an identification code. Accordingly, the Office's position is understood to mean that the Axelrod et al. dash code allegedly corresponds to the claimed representation code, and that the Axelrod et al. identification code allegedly corresponds to the claimed processing code.

It is respectfully submitted that the Axelrod et al. dash code and identification code do not correspond to the claimed representation code and processing code, respectively. Claim 1 has been amended to recite that the representation code causes processing instructions to be represented in humanly interpretable form, and the Axelrod et al. dash code does not meet this limitation. In this regard, the phrase "humanly interpretable" means, for example, that the processing instructions can be read and understood by the human operator of the system. In contrast, there is no disclosure in the Axelrod et al. patent that the dash code causes processing instructions to be represented in humanly interpretable form. Since the Axelrod et al. dash code does not correspond to the claimed representation code, neither can the Axelrod et al. identification code correspond to the claimed processing code based on the recited relationship. Claim 1 is not anticipated by the Axelrod et al. patent for at least this reason.

If the Office Action is suggesting, however, that the computer program used to program the data processing system 10 (see, e.g., col. 4, lines 5-6) allegedly corresponds to the claimed representation code and processing code in some form, Applicant respectfully disagrees. Applicant notes the Office Action's statement at the

top of page 12 that "It is inherent that any code on a processor is editable."

Presumably, the Office Action is suggesting that a software programmer can edit any computer code. However, claim 1 has been amended to recite that the representation code is editable by an operator of the system, i.e., an operator of the system for generating printed mail pieces. Support for the change may be found at least at page 7, lines 12-22, for example. The Axelrod contains no indication of a representation code that causes operating instructions to be editable by an operator of a mail processing system.

In addition, the Axelrod et al. patent does not disclose a rough print file nor a processed print file as recited in claim 1. Claim 1 recites, among other things, that the rough print file controls the printer and at least partly defines at least one document to be printed, and that the processor processes the rough print file in accordance with processing instructions into a processed print file. Claim 1 has been amended to further point out that the processed print file comprises instructions for controlling the printer and the processing device. Support for the change may be found at least at page 3, lines 22-24, for example. The Office Action at page 9 suggests that reference numeral 70 allegedly corresponds to the claimed rough print file. However, reference numeral 70 is a scale for weighing inserts (see, e.g., col. 6, lines 9-36). It is not seen how the scale is, or generates, a rough print file. In addition, the Office Action does not indicate what feature disclosed in the Axelrod et al. patent allegedly corresponds to the claimed processed print file. It is not seen where the Axelrod et al. patent discloses a rough print file that controls the printer and that at least partly defines at least one document to be printed, such that the processor processes the rough print file into a processed print file, with the

processed print file comprising instructions for controlling the printer and the processing device. Accordingly, claim 1 is not anticipated by the Axelrod et al. patent for at least this additional reason.

In addition, the Axelrod et al. data processing system 10 does not correspond to the claimed processing device. Claim 1 has been amended to recite that the processing device comprises at least one mechanical device for mechanically acting upon the printed postal items. Support for the change may be found at least at page 5, lines 10-27. For example, as recited in new claims 19 and 20, the at least one mechanical device can include at least one of an inserter device, an insert feeder device and a folding device. In contrast, there is no indication that the data processing system 10 includes at least one mechanical device. The rejection of claim 1 should be withdrawn for at least this additional reason.

For at least the above-identified reasons, it is respectfully submitted that claim 1 is not anticipated by the Axelrod et al. patent. Withdrawal of the rejection and allowance of claim 1 are respectfully requested. Claims 2-4 are allowable at least by virtue of dependency.

With regard to independent claim 17, it is respectfully submitted that similar distinctions over the Axelrod et al. patent exist as have been described above with regard to claim 1. Accordingly, claim 17 is not anticipated at least for reasons similar to those set forth in connection with claim 1. Withdrawal of the rejection and allowance of claim 17 are respectfully requested.

The Office Action sets forth a rejection of Claims 5-16 and 18 under 35 U.S.C. § 103(a) on the basis of the disclosure contained in the Axelrod et al. patent. With regard to independent claims 9 and 18, it is respectfully submitted that similar

distinctions over the Axelrod et al. patent exist as have been described above with regard to claim 1. Accordingly, claims 9 and 18 is not anticipated at least for reasons similar to those set forth in connection with claim 1. Withdrawal of the rejection and allowance of claims 9 and 18 are respectfully requested. Claims 5-8 and 10-16 are allowable at least by virtue of dependency.

Moreover, these claims are allowable for additional reasons. Claims 5 and 13, for example, recite that the representation code is arranged for representing said processing instructions in a source language. The Office Action at the paragraph bridging pages 7 and 8 cites the flow charts of Figures 2 and 3 of the Axelrod et al. patent and suggests that it would have been obvious to use source language in order for the Axelrod et al. system to function and process data. However, the Office Action's position in this regard is inconsistent with the Office Action's assertion that the Axelrod et al. dash code and identification code allegedly correspond to the claimed representation code and processing code, respectively. If the Office Action does not mean to rely on the dash code and representation code in this regard, then the rejections of the independent claims are further deficient because the rejections further lack specificity in identifying how the Axelrod et al. patent allegedly discloses the claimed relationships between the representation code, the processing code, the rough print file and the processed print file.

New Claims 19-23

New claims 19-23 have been added to round out the scope of protection sought. These claims are allowable at least by virtue of dependency. Claims 19 and 20 have been discussed above. New claims 21-22 recite that the

representation code is arranged to cause a subset of the processing instructions of the processing code to be editably represented. Support may be found at least at page 8, line 20 – page 9, line 9, for example. Claims 21-22 are believed to be additionally allowable because this subject matter is not disclosed in the Axelrod et al. patent.

New claim 23 recites a system for generating printed mail pieces in means-plus-function format. During the interview, the Examiner suggested that a claim along the lines of claim 1 written in means-plus-function format would be distinguishable over the Axelrod et al. patent. Allowance of claims 19-23 is respectfully requested.

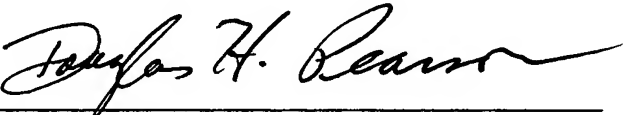
Conclusion

In light of the foregoing, withdrawal of the rejections and allowance of the application are respectfully requested. Should the Examiner have any questions regarding this Amendment, or should the Examiner wish to discuss the application further with the undersigned, he is cordially invited to contact the undersigned at the number listed below.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: August 2, 2004

By: 

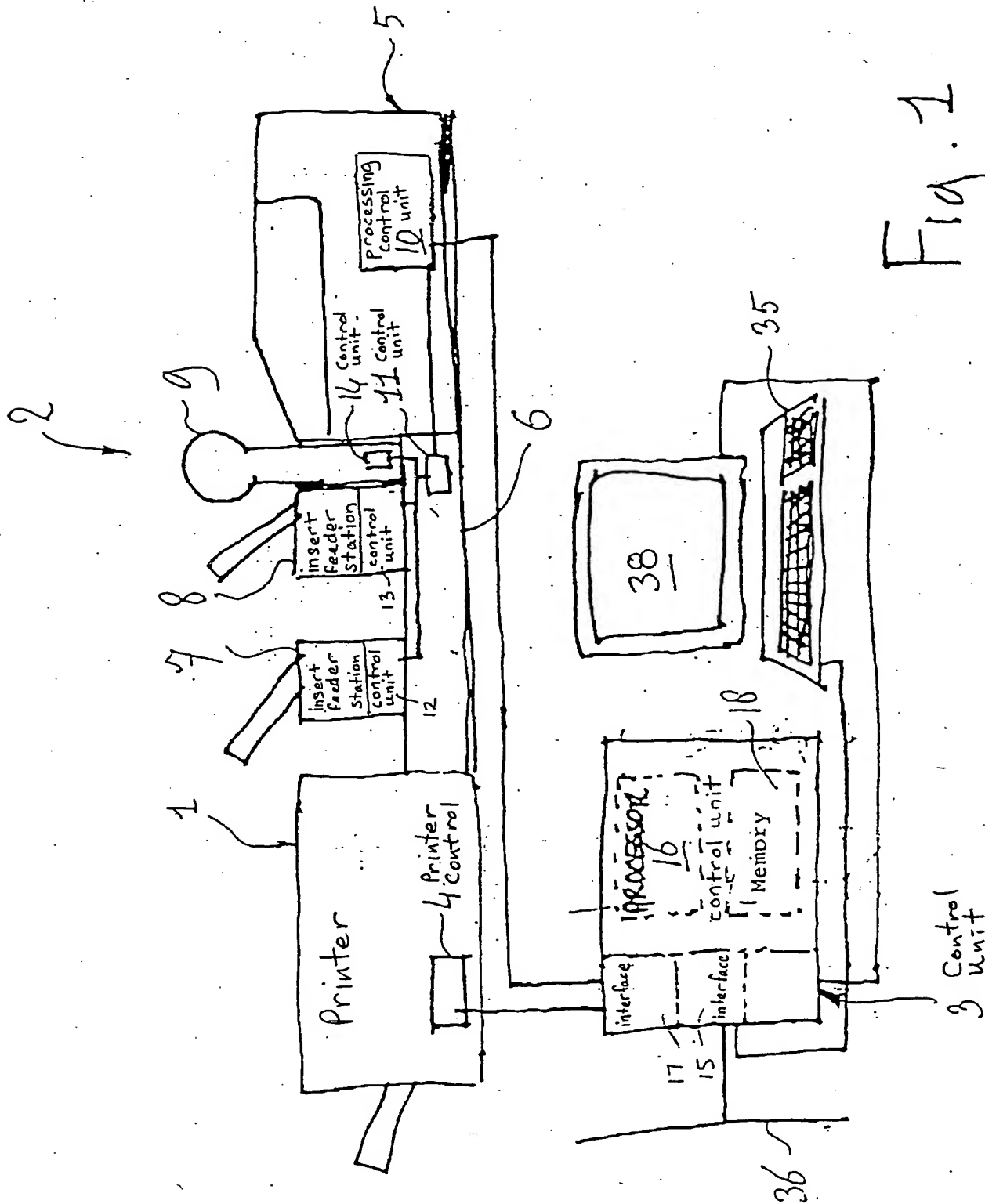
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Figure 1

Annotated Marked-up Drawing



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Figure 2

Approved Marked-up Drawing.

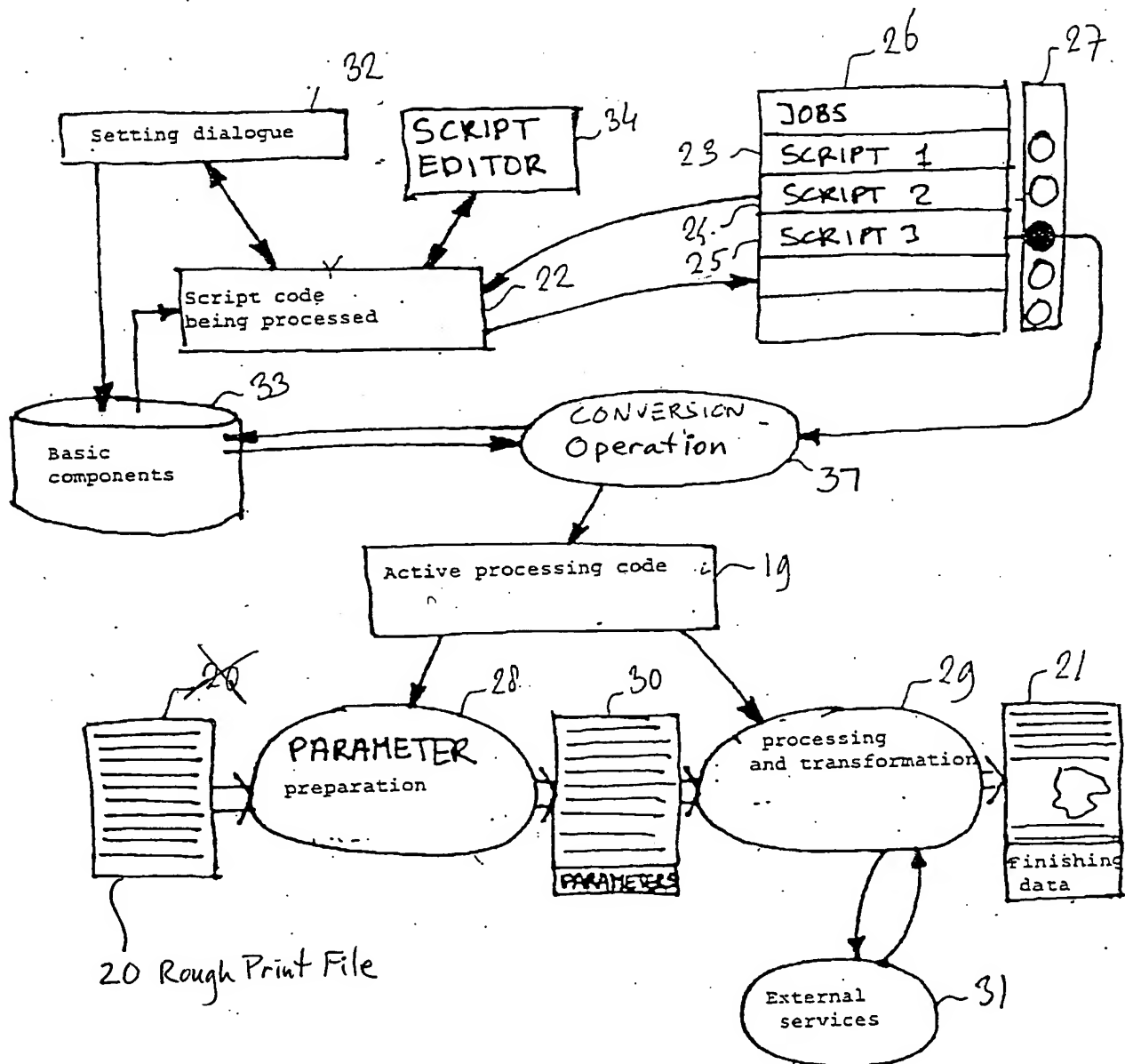


Fig. 2